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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,240	04/09/2004	Noel C. Cobb	0075-1	1744

25901            7590            04/18/2006

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EXAMINER

PRONE, JASON D

ART UNIT            PAPER NUMBER

3724

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/822,240	Applicant(s) COBB ET AL.	
	Examiner Jason Prone	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 27 March 2006.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 2,4,5,7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 2,4,5,7 and 9-12 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 09 April 2004 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "blade replacement means for exposing a fresh edge", of claim 2, must be shown or the feature(s) canceled from the claim(s). The Figures do not incorporate a structure that performs the exposing of a fresh edge. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

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2. The use of the trademark "sheet rock" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology (dry wall).

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 4, 5, 7, and 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 2, the phrase "A utility knife for glaziers and sheet rock users, comprising...blade replacement means for exposing a fresh edge of said blade" is unclear. It is uncertain what part of the knife structure performs the "exposing a fresh edge" function. It is clear from the specification that the user disconnects the portions of the handle and replaces the blade to expose the fresh edge. Therefore, the user is the "blade replacement means" and not the knife structure.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4, 5, 7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seltzer, Jr. (5,174,028) in view of Joanis et al. (3,845,554)

In regards to claim 2, Seltzer, Jr. discloses the same invention including a reversible detachable blade having a sharp edge (16), a two-piece handle (26a and 24a in Figure 4) for supporting the blade in a transversely angulated position (Figs. 2, 3, and 5), the handle comprising a one-piece left side member (26a) and a one-piece right side member (24a), wherein the left side member is removably attached to the right side member to create the handle (Fig. 4), the handle including a gripping portion (34a) and a blade supporting portion (28a), a locating means disposed within the blade supporting portion for capturing the knife (inner portions of 26a and 24a), channel means disposed within the blade supporting portion for containing and supporting the blade in a vertical plane (Fig. 4), a clamping means for clamping the left and right side members and supporting the knife blade in a horizontal plane (20), blade replacement means for exposing a fresh edge of the blade, replacing the blade with a new blade (36) and rotating the blade 180° degrees to change the handedness of the knife (16).

In regards to claims 4 and 5, Seltzer, Jr. discloses the transverse angulation is from 30°-45° ( $\theta$ ).

In regards to claim 7, Seltzer, Jr. discloses the locating means is attached to the right side member (inner portion of 24a).

In regards to claim 9, Seltzer, Jr. discloses the channel is milled to a width that loosely fits the edges of the knife blade (Fig. 4).

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In regards to claims 10-12, Seltzer, Jr. discloses the clamping means comprises at least one bolt (20), the at least one bolt is threaded to the thickness of the left side member (Fig. 4), and the at least one bolt is slidably fitted to the right side member (Fig. 4).

However, Seltzer, Jr. fail to disclose the blade has a plurality of anchoring holes.

Joanis et al. teaches that it is old and well known in the art of utility blades to incorporate a blade with a plurality of anchoring holes (34a and 34b). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Seltzer, Jr. with a blade featuring a plurality of anchoring holes to allow the user to set the blade in specific pre-determined positions.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 2, 4, 5, 7, and 9-12 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 12, 2006

A handwritten signature in black ink, appearing to read "Jason Prone". The signature is written in a cursive style with a large, looped initial "J".

Patent Examiner  
Jason Prone  
Art Unit 3724  
T.C. 3700